

REMARKS

The remainder of this Amendment is set forth under appropriate subheadings for the convenience of the Examiner.

Amendments to the Drawings and Specification

Applicants amend Figure 3 to correct the reference character “32” to read “39” consistent with the Specification as originally filed. For example, see Specification page 8, lines 22-24, page 9, line 20, page 10, lines 7-12, lines 14-15 and lines 22-23. No new matter is introduced.

Applicants amend the Specification at page 1, lines 8-15, page 1, line 16 through page 2, line 4, page 2, lines 5-11, page 2, lines 17-26, page 3, lines 4-11 and page 11, lines 22-25 to replace embedded hyperlinks with the corresponding non-executable text indications.

Amendments to the Claims

Claims 2 and 15 are now canceled.

Base Claims 1 and 28 have been amended to incorporate the claim element of Claim 2. Base Claim 14 has been amended to incorporate the claim element of Claim 15. Support for these amendments can be found in Claims 2 and 15, as originally filed. Further support can be found in the specification, for example, at page 7, lines 22-24 as originally filed.

Claims 1 and 28 have been further amended to be consistent with the above added claim term and to more clearly define the claimed invention by reciting the step of recording “in response to the request.” Also, Claim 14 has been further amended to be consistent with the above added claim element and to more clearly define the claimed invention by reciting a working server recording respective broadcast of each requested event “in response to the request.” Support for these amendments can be found in Claims 1, 14 and 28, themselves and in the specification, for example, at page 4, lines 10-12 and page 6, lines 8-9 as originally filed.

No new matter is introduced by these amendments. Acceptance is respectfully requested.

Objection to the Drawings

Figure 3 is objected to as failing to comply with 37 CFR 1.84(p)(5) because the drawings include the reference character “32” not mentioned in the specification.

Applicants have amend Figure 3 to replace the reference character “32” with “39” to be consistent with the specification. As amended, all the drawings now meet the requirements of 37 CFR 1.84(p)(5). Therefore, withdrawal of this objection is respectfully requested.

Objection to the Specification

The specification has been objected to because it contains an embedded hyperlink and/or other form of browser-executable code.

Applicants have amended the specification to replace the embedded hyperlinks with the corresponding non-executable code text. Accordingly, Applicants respectfully request withdrawal of this objection.

Rejection of Claims 1-8, 12, 14-21, 25, 28, 29 and 31 under 35 U.S.C. § 102(e)

Claims 1-8, 12, 14-21, 25, 28, 29 and 31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0124262 to Basso *et al.* (hereinafter “Basso *et al.* ”)

Applicants’ invention of the instant application relates to a system for providing to users time shifting live streamed, video/audio data distributed *via* the Internet, where the system delivers a website that lists upcoming live events; allows users to select events of interest from the lists and arrange for them to be recorded; and in response to the request, records the requested events, as described in the specification at page 3, lines 17-24.

In particular, Claims 1 and 28, as now amended, are directed to methods of providing to a user broadcast data shifted in time. As amended, the methods of Claims 1 and 28 include the step of providing a schedule of events/programs to be broadcast over the global computer network, the schedule enabling the user to formulate a request for contents of the events/programs. In response to the request, the respective broadcast of each requested event in the form of live streamed video-audio data or streamed multimedia data are recorded in the methods of Claims 1 and 28, respectively. Claim 14 is directed to an apparatus for providing to a user contents of desired ones of live events over the global computer network. The apparatus of Claim 14, as now amended, includes user interface means; a schedule source providing events to be broadcast live over the global computer network, the schedule enabling the user to formulate a request; a working server coupled to the user interface means to receive the requests

and in response to the requests, recording the respective broadcast of each requested event; and video-audio output means coupled to receive the recorded streamed video-audio data from the working server.

Basso *et al.* disclose a network-based video replay service utilizing broadband technologies on the internet. The video replay service disclosed in Basso *et al.* employ a predetermined set of channels to which portal 20 has subscribed, where portal 20 stores a moving window of the most recent N hours worth of content for each channel, and this stored content is made available to users on-demand viewing (see, for example, [0031] of Basso *et al.*) Basso *et al.* also discuss other live content that is not subscribed to by the portal. In this case, a user typically does not use the portal web interface. Rather, the user needs to go to a web interface associated with the content source and obtain an RTSP URL and provide the RTSP URL to RTSP proxy 210 on the portal (see, for example, [0054]-[0055] of Basso *et al.*). Then, the RTSP proxy 210 contacts the relevant upstream servers prior to initiate delivery of the content to the user, and on success, initiates delivery of the content to the user. That is, the video replay service disclosed in Basso *et al.* employs either (a) a ***pre-recorded (stored) content prior to receiving from a user a request*** for the content or (b) a content, the information of which is ***not provided by the portal web interface***, i.e., a user needs to go to a web interface associated with the content source and obtain an RTSP URL.

However, Basso *et al.* do not disclose or suggest a system of Applicants' invention, where the system delivers a schedule for upcoming live events, allows users to select events of interest from the schedule and arrange for them to be recorded, and in response to the request, records the requested events. In particular, there is no disclosure or suggestion in Basso *et al.* of methods that ***provides a schedule of events to be broadcast*** over the global computer network, ***the schedule enabling the user to formulate a request*** for contents of the future events, and that ***records, in response to the request***, the respective broadcast of each requested event in the form of live streamed video-audio data or streamed multimedia data, as claimed in base Claims 1 and 28, as amended. Also, there is no disclosure or suggestion in Basso *et al.* of an apparatus that includes ***a schedule source*** providing events to be broadcast live over the global computer network, ***the schedule enabling the user to formulate a request***, and a working server coupled to the user interface means to receive the requests and ***in response to the request, recording*** the respective broadcast of each requested event, as claimed in base Claim 14, as amended.

Therefore, the subject matter of base Claims 1, 14 and 28 is novel over Basso *et al.* Claims 3-8, 12, 15-21, 25, 29 and 31 depend from base Claims 1, 14 and 28, and thus the subject matter of these claims also are novel over Basso *et al.* Claims 2 and 15 have been canceled. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection of Claims 1-6, 8, 9, 11-19, 21, 22 and 24-31 under 35 U.S.C. § 102(e)

Claims 1-6, 8, 9, 11-19, 21, 22 and 24-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0149988 to Ellis *et al.* (hereinafter “Ellis *et al.*”)

As discussed above, Applicants’ invention relates to methods or apparatuses for providing to users time shifted live streamed, video/audio data that are ***distributed via the global computer Internet***, where the methods or apparatuses provide a schedule for upcoming live events to be broadcast over the global computer network; allow users to select events of interest from the schedule and form a request for them to be recorded; and in response to the request, records the requested future events. In particular, as discussed in the specification at page 3, lines 25-26 and recited in base Claims 1, 14 and 28, as amended, Applicants’ invention is to capture video and audio (i.e. multimedia) content ***streamed over the global computer Internet, instead of capturing Broadcast TV***.

Ellis *et al.* disclose an interactive television program guide system that provides users with an opportunity to select programs for recording on a remote media server. However, the interactive television program guide system disclosed in Ellis *et al.* employs only ***television programs, not*** video and audio content ***streamed over the global computer Internet*** (see, for example, [0060] of Ellis *et al.*). Although Ellis *et al.* discuss internet-based interactive television program guide systems in FIGs. 2c-2e, the systems utilize an internet system for communication between the program guide distribution facility and a user, or for retrieving program guide data. That is, the internet system disclosed in Ellis *et al.* is limited to receiving television program guide data from various sources *via* the internet, and/or transporting the television program guide data and television programs to a user and receiving a request from a user (see, for example, [0070]-[0075] of Ellis *et al.*), but is not based on a global computer network where video and audio contents to be provided to users are streamed.

There is no disclosure or suggestion in Ellis *et al.* of capturing video and audio (i.e. multimedia) content streamed over the global computer Internet, instead of capturing Broadcast TV. In particular, there is no disclosure or suggestion in Ellis *et al.* of providing a schedule of ***events to be broadcast live over the global computer network***, the schedule enabling the user to formulate a request. There also is no disclosure or suggestion in Ellis *et al.* of recording, in response to the request, the respective broadcast of each requested event, each broadcast being in the form of live streamed video-audio data of the respective broadcast ***over the global computer network***, or streamed multimedia data forming the respective desired broadcast programs ***over the global computer network***, as claimed in base Claims 1 and 28, as amended. Also, there is no disclosure or suggestion in Ellis *et al.* of an apparatus that includes a schedule source providing ***events to be broadcast live over the global computer network***, the schedule enabling the user to formulate a request, and a working server coupled to the user interface means to receive the requests and in response to the request, recording the respective broadcast of each requested event, as claimed in base Claim 14, as amended.

Therefore, the subject matter of base Claims 1, 14 and 28 is novel over Ellis. Claims 3-6, 8, 9, 11-13, 16-19, 21, 22 and 24-29 and 30-31 depend from base Claims 1, 14 and 28, and thus the subject matter of these claims also are novel over Ellis. Claims 2 and 15 have been canceled. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection of Claims 7, 10, 20 and 23 under 35 U.S.C. § 103(a)

Claims 7, 10, 20 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis *et al.* in view of WO 92/22983 to Browne *et al.* (hereinafter "Browne *et al.*")

Claims 7, 10 and 20 and 23 depend from base Claims 1 and 14, respectively. As discussed above, Ellis *et al.* neither disclose nor suggest Applicants' invention of base Claims 1 and 14, which are directed to capturing video and audio (i.e. multimedia) content streamed over the global computer Internet, instead of capturing Broadcast TV.

Browne *et al.* disclose a large capacity, random access, multi-source audio and video recorder player which can receive a plurality of simultaneous input signals and which allows a

user to view and/or to record selected ones of the plurality of input signals. However, there is no disclosure or suggestion in Browne *et al.* of Applicants' invention for providing to a user desired video and audio (i.e. multimedia) content streamed over the global computer Internet. Thus, the second reference, Browne, does not remedy the deficiencies of Ellis *et al.*

Therefore, the subject matter of Claims 7, 10, 20 and 23 is not obvious in view of Ellis and Browne, taken either separately or in combination, and thus Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims now presented (Claims 1, 3-14 and 16-31) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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